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*Counsel for Plaintiff, Government Employees Insurance Co,
GEICO Indemnity Co., GEICO General Insurance Company
and GEICO Casualty Co.*

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

GOVERNMENT EMPLOYEES INSURANCE
CO., GEICO INDEMNITY CO., GEICO
GENERAL INSURANCE COMPANY and
GEICO CASUALTY CO.,

Plaintiffs,

-against-

RICHARD A. KAUL, M.D.,

-and-

NEW JERSEY SPINE &
REHABILITATION PC, and
POMPTON ANESTHESIA
ASSOCIATES, P.C.,

-and-

RODOLFO NARAG, M.D., DONG
KWAK, M.D., and MICHAEL MCKEE,
M.D.,

Defendants

Case No.: 2:13-cv-02597
(CCC/JAD)

AFFIDAVIT IN SUPPORT OF
REQUEST FOR ENTRY OF DEFAULT

John Robertelli, Esq. being duly sworn, deposes and says:

1. I am a member of the bar of the State of New Jersey and a partner of the law firm of Rivkin Radler LLP, attorneys for Plaintiffs, Government Employees Insurance Co., GEICO Indemnity Co., GEICO General Insurance Company and GEICO Casualty Co. (hereinafter "Plaintiffs"), in the above-captioned matter. I am fully familiar with the facts and circumstances set forth in this affidavit.

2. This is an action wherein Plaintiffs seek damages against, Dong Kwak, MD and other Defendants alleging that Defendants individually and/or collectively defrauded Plaintiffs. The action was filed on April 23, 2013 (See Docket Entry No. 1.) This Affidavit has been dated pursuant to Rule 55 of the Civil Rules for the United States District Court of New Jersey, in support of Plaintiffs' application for Certificate of Default against the Defendant, Dong Kwak, MD.

3. Jurisdiction of this matter is pursuant to 28 U.S.C. § 1331. Since this action asserts RICO claims under 18 U.S.C. § 1961 *et seq.*, the Court also has jurisdiction over the state law claims based upon the diversity of citizenship pursuant to 28 U.S.C. § 1332 as well as pursuant to 28 U.S.C. § 1367.

4. A true and correct copy of the Summons and Complaint was served on the Defendant Dong Kwak on May 5, 2013. Proof of Service including the Affidavit of Service, was filed on May 10, 2013 via ECF. (See Docket Entry Number 7.)

5. Defendant Dong Kwak, MD has not answered the Complaint and the time for the Defendant to answer the Complaint has expired. This action seeks judgment against Defendant Dong Kwak, MD for compensatory damages, punitive damages, treble damages and costs and reasonable attorney's fees.

6. Based upon the foregoing, it is respectfully requested that Plaintiffs' request to enter default against Defendant Dong Kwak, M.D. is granted and that Court issue an Order reflecting same.

Dated: Hackensack, New Jersey
June 13, 2013

RIVKIN RADLER LLP

By: 

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